

IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF MISSISSIPPI
NORTHERN DIVISION

CHARLES A. FLOYD

PLAINTIFF

VS.

CIVIL ACTION NO.3:13cv455-DPJ-FKB

THE UNITED STATES, et al.

DEFENDANTS

REPORT AND RECOMMENDATION

Charles A. Floyd is a state prisoner. He filed this action pursuant to 42 U.S.C. § 1983 in the Circuit Court of Hinds County, Mississippi, and it was removed to this court. Presently before the Court is the motion of the United States and the United States Attorney General (United States) for dismissal of the claims against them. Having considered the motion, Plaintiff's response, and all of the documents filed by Plaintiff, the undersigned recommends that the motion be granted.

Plaintiff is proceeding *pro se*, and thus his complaint and other documents are entitled to liberal construction. See *Haines v. Kerner*, 404 U.S. 519, 520-21 (1972). However, this liberality does not allow a court "to conjure up unpled allegations." *McFadden v. Lucas*, 713 F.2d 143, 147 n.4 (5th Cir. 1983). A plaintiff attempting to assert a claim under § 1983 must "allege specific conduct giving rise to a constitutional violation." *Oliver v. Scott*, 276 F.3d 736, 741 (5th Cir. 2002). Nowhere in any of his filings has Floyd set forth any facts or allegations supporting a claim for relief. For this reason, the undersigned recommends that the claims against the United States be dismissed.¹

¹The remaining defendants filed a motion to dismiss prior to removal. However, they have not refiled their motion in this court. Thus, it is not presently before the Court. See L.U.Civ.R. 16(b)(3)(D).

The parties are hereby notified that failure to file written objections to the proposed findings, conclusions, and recommendation contained within this report and recommendation within fourteen (14) days after being served with a copy shall bar that party, except upon grounds of plain error, from attacking on appeal the unobjected-to proposed factual findings and legal conclusions accepted by the district court. 28 U.S.C. §636; Fed. R. Civ. P. 72(b); *Douglass v. United Services Automobile Association*, 79 F.3d 1415, 1428-29 (5th Cir. 1996).

Respectfully submitted, this the 29th day of January, 2014.

/s/ F. Keith Ball

UNITED STATES MAGISTRATE JUDGE